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ABSTRACT

State regulations for private schools should minimize the social costs and maximize the social benefits of these schools. Private schools provide a unique laboratory for educational research. They also give clients more control over their lives, strengthen cultural diversity, and provide an opportunity for parents to choose educational methods that suit their children's needs. It has been charged that private schools may endanger national unity, limit children's life choices, hamper efforts to promote equal educational opportunity and racial justice, and destroy economies of scale. On examination, however, many of these charges appear to lack force. First, the effects of schooling appear to be too weak for any school to destroy national unity. There is also little evidence that public schools are more successful at presenting a neutral autonomy-promoting program than are private schools. Studies show too that private schools often serve to promote racial desegregation or better educational opportunities for disadvantaged students. Even the economies of scale argument has been weakened by current evidence. In light of these considerations, state regulation of private schools must not aim for undue standardization but rather must encourage the pursuit of pluralistic goals and diverse approaches to the achievement of these goals. (Author/JM)

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OCCASIONAL PAPER #17

STATE RESPONSIBILITY AND NONPUBLIC EDUCATION

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STATE RESPONSIBILITY AND NONPUBLIC EDUCATION

INTRODUCTION

The principle developed in this paper seems both axiomatic and frequently violated: State policies should more than accidentally contribute to the general welfare. The relationship between government action and public benefits should be deliberate. In terms more specific to the present topic: A state's stance toward nonpublic schools should be designed, in some reasonably systematic sense, to minimize the social costs and maximize the social benefits attributable to nonpublic schools.

In the light of the above-mentioned principle, regulations for nonpublic schools in several states seem irrationally conceived. They apparently represent a rather unquestioning extrapolation of guidelines developed for public schools, rather than a studied consideration of the unique costs and benefits of the nonpublic schools to which they are applied.[1] The extrapolation would be justified if nonpublic schools were in all significant respects similar to public schools. But as later passages will show, numerous characteristics of far-reaching educational

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[1] This tendency toward unquestioning extrapolation is discussed and documented in Donald A. Erickson (ed.), Public Controls forNonpublic Schools (Chicago: University of Chicago Press, 1969), chapters 5 and 7; and in Donald A. Erickson, "Legal Impediments to Private Educational Alternatives," in Clifford P. Hooker (ed.), Law and Education, Seventy-Seventh Yearbook of the National Society for the Study of Education (Chicago: University of Chicago Press, in press).

significance are found primarily, and often exclusively, in nonpublic schools. To assert this is not to denigrate public education or deify nonpublic education. It is merely to acknowledge that organizations operating within radically different governance frameworks are not likely to perform the same functions well.[1] Thus, one may view public and nonpublic schools as complementary, each achieving outcomes for which the other is ill-equipped, but neither "superior" to the other in any global sense.[2]

The balance of this paper presents an analysis of the implications for state policy of several salient features of nonpublic schools. In the space available, the discussion cannot be as comprehensive as one would wish, though the most important points will be covered. Not all pertinent features of nonpublic schooling can be examined, nor can a number of rather obvious implications for public school policy.

The analysis is organized under three major headings: (I) Major Benefits of Nonpublic Schools, (II) Asserted Costs of Nonpublic Schools, and (III) Suggested Policy Guidelines.

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1 While public schools are governed through political mechanisms, nonpublic schools are not (except indirectly), and while nonpublic schools are subject to market forces (and thus must compete for both clients and money), public schools are not (their survival is almost totally guaranteed). While public schools generally must avoid alienating a wide spectrum of public opinion, nonpublic schools may often focus much more narrowly on the needs and interests of specific, selected constituencies. Many other fundamental governance differences could be mentioned.

2 Theodore Ryland Sizer, "Education and Assimilation: A Fresh Plea for Pluralism," Phi Delta Kappan 58 (Sept., 1976): 31-35.

Benefits of a Broadened Base for Research and Development

To dampen or obliterate the distinguishing features of nonpublic schools is to narrow the range of educational approaches available for research (the empirical effort to understand the dynamics and consequences of various aspects of existing educational practice) and development (the creation, elaboration, adaptation, etc., of new educational products or practices). There is virtually no scientific justification for this standardization, for almost no established school procedures have any empirically demonstrated validity, and the effectiveness of education's conventional wisdom has been challenged by much recent evidence.[1] Scholars lament the fact that American Schools depart so minimally from the norms of existing practice that the impact of many factors is difficult (and sometimes impossible) to discern.[2]

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1 For a summary of research on teaching methods, see J. D. McNeil and W. J. Popham, "The Assessment of Teacher Competence," in R. M. W. Travers (ed.), Second Handbook of Research on Teaching (Chicago: Rand McNally, 1971); for a discussion of other relevant issues, see Wayne Jennings and Joe Nathan, "Startling/Disturbing Research on School Program Effectiveness," Phi Delta Kappan 58 (March, 1977): 568-72.

2 E.g.: "It is essential that .....experimentation be truly radical: that is, involve a wide variety of educational practices and explore ranges of input variation in both novel and traditional educational techniques presently not found in the public schools.....The range of educational practice examined by the authors of the (Coleman) Report is exceedingly limited.....not because the authors wanted it this way, but rather because that is the way it is." Erick Hanushek and John Kain, "On the Value of Equality of Educational Opportunity as a Guide to Public Policy," in Frederick Mosteller and Daniel P. Moynihan (eds.), On Equality of Educational Opportunity (New York: Random House, 1972), p. 139.

The spectrum of observable procedure is often considerably broadened when, in addition to public schools, nonpublic schools not yet drastically constrained by governmental influences are available for examination. If, for example, one wishes to assess the affects of different affiliation mechanisms on the capacity of schools to facilitate learning, not much can be determined by scrutinizing the public schools alone, for they are always available free of tuition (thus affiliation is not exacting), and they are attended as a rule by students selected by place of residence (thus affiliation is voluntary in only a limited sense). Yet research in nonpublic schools suggests that exactitude and voluntarism in client affiliation are factors with profound implications for school effectiveness.[1]

When parents must incur significant direct costs to patronize a school, it appears that a rigorous selection procedure comes into operation, far more fundamental in nature than the mere socio-economic selectivity often attributed to nonpublic schools. Uncommitted clients, whose educational aspirations are low, are probably eliminated very quickly. Dissenting clients, whose aspirations, though often high, are out of phase with the school's particular focus, look elsewhere. By screening out the unconcerned and the dissenting, the exacting (costly) affiliation

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1 Re voluntaristic affiliation: Richard Nault, "The School Commitments of Nonpublic School Freshmen Voluntarily and Involuntarily Affiliated with Their Schools" Ph. D. Dissertation, Department of Education, University of Chicago, 1974. Voluntarism and exactitude in affiliation are being explored by Nault and the author of the present paper in a comparison of Catholic schools in five Canadian provinces; this study will be identified as "Canadian Catholic Study" in all references below.

mode apparently does much to produce a clientele that is both highly committed and homogeneous in educational outlook. Other factors being equal, one would expect highly committed, strongly agreeing clients to interact extensively with each other. Cohesive patron groups are then likely to emerge, with collective belief systems that stress the school's unique character and with norms that reinforce the client commitment and homogeneity.

Under these conditions, much energy otherwise expended to cope with conflict and disinterest is available, instead, to foster student learning. Furthermore, since goals can now be less diffuse and deliberately obfuscated (as they often must be, it appears, when clients hold contradictory expectations),[1] success should be more readily achieved, and thus the morale and commitment of educators, parents, and students should be further enhanced. The commitment of educators should also be catalyzed, exchange theory suggests, when teachers and administrators observe that parents and/or students are highly committed to the school.

As for voluntaristic affiliation: The available evidence suggests that students who attend high schools of their choice are considerably more committed to several aspects of school life (including academic spheres) than are their compulsorily affiliated peers.[2] It is reasonable to anticipate (though

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1 In personal conversations with the author, Professor Harold Dunkel of the Department of Education, University of Chicago, has advanced the thesis that public school statements of purpose are necessarily vague, since clear statements would make unmanageably evident the disagreements that characterize most public school constituencies.

2 Nault, "School Commitments."

the question seems unresearched) that parents, too, will respond with greater commitment when they may patronize the school of their choice. In keeping with earlier comments, the commitment should be even greater when the choice involves significant costs.

These tendencies have resounding implications for all schools, public and nonpublic. If, for example, the consequences of exactitude in client affiliation should prove as important as they now seem to be, formulators of public policy might well re-examine the assumption that public schools are most effective and opportunity-equalizing when entirely "free," or tax-supported. The advantages of supporting all schools through user fees, while seeking new ways of equalizing ability to pay, might be seriously entertained.[1]

The foregoing passages also suggest, implicitly, that the client homogeneity is a generally overlooked avenue of school improvement. In connection with such comparatively recent developments as court-ordered racial integration and the school district reorganization and consolidation movement, both of which tend to produce greater client heterogeneity in public schools, homogeneity and its consequences have been suppressed as public policy considerations, along with such other topics as the effects of small school size and of close relationships between schools and homes. Many other examples could be given of questions best investigated empirically by means of evidence drawn from nonpublic schools, either exclusively or in combination with public school data.

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[9]For a provocative analysis of what might happen if user fees were reinstituted as the major mechanism of public school support, see E. G. West, Nonpublic School Aid: The Law, Economics, and Politics of American Education (lexington, Mass.: Lexington Books, 1976).

Given the contrasting political and economic mechanisms that govern public and nonpublic schools,[1] it will probably always be true, unless stringent state influences intervene, that nonpublic schools will differ in important respects from public schools. Thus, nonpublic schools will represent a vital resource for scholars seeking knowledge concerning the effects of different approaches to schooling. The point made earlier should now be virtually inescapable: The more state policies reduce the differences between public and nonpublic schools (e.g., by requiring nonpublic schools to comply with regulations designed in the light of public school realities), the more these policies will hamper the advancement of educational practice through research.

State curtailment of educational diversity will also hamper educational development (defined earlier as the creation, elaboration, adaptation, dissemination, etc., of new educational products or practices). As is well known, most schools adopt new practices developed elsewhere, rather than innovating de novo.[2] Through most of American history, most public schools have been as experimental and forward-looking, it appears, as most nonpublic

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1 While public schools are governed through political mechanisms, nonpublic schools are not (except indirectly), and while nonpublic schools are subject to market forces (and thus must compete for both clients and money), public schools are not (their survival is almost totally guaranteed). While public schools generally must avoid alienating a wide spectrum of public opinion, nonpublic schools may often focus much more narrowly on the needs and interests of specific, selected constituencies. Many other fundamental governance differences could be mentioned.

2 Joseph B. Giacquinta, "The Process of Organizational Change in Schools," in Fred N. Kerlinger (ed.), Review of Research in Education, 1 (Itasca, IL.: F. E. Peacock, 1973), pp. 178-208.

schools, but at critical points in this history the explorations of a few trailblazers have had an impact that belies their small numbers. When the town schools of New England failed to shift from the traditions of a Puritan elite to the needs of an emerging middle class, off-beat private teachers began hawking virtually any brand of instruction that would attract clients, thus initiating trends soon institutionalized in the quasi-private academy, and later, in the public high school.[1] During the Progressive Era, numerous innovators (though not the majority) found it easier to experiment in nonpublic than in public schools.[2] Dewey tested many then-radical concepts in the laboratory school he created at the University of Chicago. "There are those who insist," Cremin notes, "that there has been nothing since to match it in excitement, quality, and contribution."[3] During the ferment that followed Sputnik, a few independent schools played a prominent role in the development of Advanced Placement and new curricula in mathematics and the sciences.[4]

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[1]Newton Edwards and Herman G. Richey, The School in the American Social Order, 2d ed. (Boston: Houghton Mifflin Co., 1947), pp. 108-11; R. Freeman Butts and Lawrence A. Cremin, A History of Education in American Culture (New York: Henry Holt & Co., 1953), pp. 109-26; Adolph E. Meyer, An Educational History of the American People, 2d ed. (New York: McGraw-Hill Book Co., 1967), pp. 53-55.

[2]Lawrence A. Cremin, The Transformation of the School: Progressivism in American Education, 1876-1957 (New York: Vintage Books, 1961), esp. pp. 276-91.

[3]Lawrence A. Cremin, The Transformation of the School: Progressivism in American Education, 1876-1957 (New York: Vintage Books, 1961), p. 136.

[4]Roy A. Larmee, "The Relationship between Certain National Movements in Education and Selected Independent Secondary Schools" (PH. D. Diss., University of Chicago, 1962); and his "National Movements and Independent Schools," in Nationalizing Influences on Secondary Education, ed. Ronald F. Campbell and Robert A. Bunnell (Chicago: Midwest Administration Center, University of Chicago, 1963), pp. 105-18.

Private "free schools" were harbingers of much that is now occurring in public "alternative" schools.[1] Among the innovations currently under development in nonpublic schools, various approaches to "intensive learning" and "complementarity" seem especially promising.[2] Though important new products and ideas have been developed by sophisticated scholars in recent years in federally funded research and development agencies, there is every reason to suspect that some of the most critical breakthroughs will continue to be made by imaginative entrepreneurs and sensitive teachers, operating for the most part intuitively, and that some of these breakthroughs will be intolerable, at least in the short run, within the politically sensitive public schools.[3] It seems that much educational development, particularly of the more radical variety, will consequently be curtailed if state authorities insist, knowingly or unknowingly, upon regulations that make all schools conform to the public school mold. And as we noted earlier, when development is curtailed, so is the range of practice available for empirical research.

Benefits of Patron Choice in Education

Many public school systems have taken steps in recent

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1 Bruce S. Cooper, Free and Freedom Schools: A National Survey of Alternative Programs, report to the President's Commission on School Finance (November 1971).

2 Sizer, "Education and Assimulation."

3 For a more extensive development of this argument, see Donald A. Erickson, "The Trailblazer in an Age of R & D," School Review 81 (Feb., 1973): 155-174.

years to offer parents and students more opportunities to exercise their personal preferences -- through open enrollment policies, public "alternative schools," "minischools," etc. Without minimizing the importance of these developments, one must note that segments of the body politic have reacted very negatively to some of these developments, evidencing once more the political sensitivity of the public schools.[1] It seems obvious that a good many educational options will always be difficult to offer in the public school sector, and thus that a much broader gamut of choices is possible when nonpublic schools are within reach (unless, of course, the choices are narrowed through government regulation).

Two benefits of patron choice in education have already been mentioned: Students and parents who affiliate voluntarily with their schools may, as a consequence of the voluntarism, contribute more commitment to the educational enterprise than is evidenced by patrons who affiliate nonvoluntarily. Voluntaristic assignment of students to schools, in contrast to assignment on the basis of place of residence, may produce greater homogeneity of educational viewpoint among clients, along with the possible advantages of homogeneity discussed earlier.

A third positive outcome of patron choice in education may be an enhanced sense of control over one's own, or one's child's destiny. This sense of destiny control has been linked in numerous empirical studies to enhanced student achievement.[2] There

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[1] Ben Brodinsky, "Back to the Basics: The Movement and Its Meaning," Phi Delta Kappan 58 (March, 1977): 522-27.

[2] The best-known relevant study is James S. Coleman et. al., Equality of Educational Opportunity (Washington, D. C.: U. S. Office of Education, 1966.)

may well be other important consequences of sense of destiny control, such as greater parental involvement and commitment. Recent investigations suggest with unusual consistency that strategies to improve student learning through active parental involvement in various phases of the teaching-learning process are surprisingly efficacious.[1]

Cultural diversity is another value that may be difficult to preserve without making a wide range of educational options available to parents and children. The Supreme Court has explicitly acknowledged that some subcultures will probably not survive at all unless they are permitted to maintain their own drastically unconventional educational systems.[2]

A fifth reason for patron choice is related to the lack of a scientific knowledge base in education, mentioned earlier. One cannot even say, on the basis of firm evidence, that any approach to teaching is more effective than others, let alone that teachers who follow the usual routes to certification are more effective than those who enter teaching through quite different doors, that mathematics is best begun (as most state school codes insist) in the early grades rather than during adolescence, that high schools are better for children when large and elaborately equipped than when small and simple, or that a hundred other assumptions expressed or implied by educational laws are more than

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1 An excellent review of numerous pertinent studies is found in Urie Bronfenbrenner, "Is Early Intervention Effective?" Teachers College Record 76 (Dec., 1974): 279-303.

2 Wisconsin v. Yoder, 406 U.S. 205 (1972).

traditions or the preferences of educators.[1] There is extensive evidence that teachers very rarely even attempt to bring systematic knowledge to bear when making decisions concerning the treatments to apply to children. The process of matching students to treatments is almost totally intuitive, and there is good reason to believe that many of these choices are prompted by the personal needs of the teachers themselves.[2] Both as individuals and as organized groups, educators, like other occupational groups, are quite capable of making decisions that promote their own status and security at the expense of their clients.[3]

If most educational choices must be made almost totally on an intuitive basis, and if the state's agents cannot always be trusted to place the student's interests foremost when making decisions, one fundamental consideration must be broached. In the absence of clear evidence on the point (and professional educators seem most reluctant to cooperate in the gathering of such evidence), there is more than a little logic in the idea that parents, by virtue of their often-superior sensitivity to the needs and responses

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1 For a summary of research on teaching methods, see J. D. McNeil and W. J. Popham, "The Assessment of Teacher Competence," in R. M. W. Travers (ed.), Second Handbook of Research on Teaching (Chicago: Rand McNally, 1971); for a discussion of other relevant issues, see Wayne Jennings and Joe Nathan, "Startling/Disturbing Research on School Program Effectiveness," Phi Delta Kappan 58 (March, 1977): 568-72.

2 Among the studies documenting the predominantly intuitive approach of teachers to their work, the following are particularly to the point: Dan C. Lortie, Schoolteacher: A Sociological Study (Chicago: University of Chicago Press, 1975); Philip W. Jackson, Life in Classrooms (New York: Holt, Rinehart and Winston, 1968).

3 Compare Lortie, Schoolteacher and Benjamin Wright and Shirley Tuska, "How Does Childhood Make a Teacher?" Elementary School Journal 65 (Feb., 1965): 235-246.

of their children, and by dint of the closer correspondence of their, and their children's interests, are better equiped than the state and its legally empowered agents to make some educational choices. Superior student learning might often be the result of increased patron choice in education.

To be sure, some parents will make unwise educational choices. But in the absence of evidence that most will do so (evidence that would be most discouraging from the standpoint of democratic political theory), one wonders why the tendency in education, in contrast to matters of nutrition, shelter, and medical care, for the state to regulate the treatment of virtually all children, rather than simply intervening when the minority of parents neglect or mistreat their offspring. It seems especially a matter of overkill when the state decides, despite the lack of evidence concerning what regulations will improve rather than curtail educational effectiveness, to impose controls on parents who demonstrate superior interest and concern by going to the effort and expense of sending their children to nonpublic schools. The effect of this intervention, as we have seen, is not to make education significantly more scientific. It is rather, to empower legislators and state-employed professional educators, rather than parents, to make a broad range of largely intuitive choices about child-rearing, including choices that some parents would prefer to make themselves.

The final and most vital reason for client choice in education is directly relevant to the latter point: In this democracy, as the Supreme Court itself has indicated, "the child

is not the mere creature of the state."[1] to be reared as state officials think best. There is little discussion in the professional educational literature of the fact that the state seems to be taking over larger and larger segments of the child-rearing process.[2] During recent decades, numerous states have extended the school day and year, prescribed more specifically the matters to be taught, tightened their control over who may teach, raised the age at which compulsory attendance no longer applies, developed new programs of "early childhood education," and, through actions that have simultaneously increased public school taxation and the costs of competitive nonpublic schools, placed the latter beyond the reach of many parents. In effect, if not in explicit policy, the child has become, more and more, the ward of the state, and thus, less and less, the responsibility of the parent. There can be little doubt that one of this nation's most fundamental liberties--the right to control the upbringing of one's own child, is far less a practical reality than it once was. State officials should recognize that they can easily perpetuate and even aggravate this trend through ill-advised regulations for nonpublic schools.

ASSERTED COSTS OF NONPUBLIC SCHOOLS

Few thinking people seem likely to assert that the pur-

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1 Pierce v. Society of Sisters, 268 U. S. 510 (1925).

2 This point is developed rather fully in Donald A. Erickson, Super-Parent: An Analysis of State Educational Controls (Chicago, Ill: Illinois Advisory Committee on Nonpublic Schools, 1973).

pose of regulations for nonpublic schools is to constrict the range of educational practice available for research and development and to obliterate the benefits of client choice in education. The regulation is typically defended, rather, as a necessary way of minimizing serious social costs that could eventuate from the untrammelled operation of nonpublic schools. It has been charged that nonpublic schools, if left to flourish unrestricted, will endanger national unity, limit the life choices available to children, hamper efforts to equalize educational opportunity and promote racial justice, and destroy economies of scale in education. These assertions demand careful analysis.

Threats to National Unity

Nonpublic schools are often condemned as creating student bodies that are segregated along religious, ethnic, socioeconomic, ideological, and even racial lines, thus withholding from the young the common values and experiences that are essential to societal solidarity and well being. With or without the segregation, some nonpublic schools (like some public schools) could fail to foster the ability and willingness to participate in democratic processes. Schools operated by militant blacks and anarchist whites could advocate riots and seccession. Some schools could prepare children to function as violent Klansmen, vigilantes, or black panthers.

As early as 1925, the Supreme Court supported the insistence that in all schools "certain studies plainly essential to good citizenship must be taught, and . . . nothing be taught

which is manifestly inimical to the general welfare."[1] There is widespread disagreement, however, concerning the means that should be used to achieve national unity and responsible citizenship. The scholars who have thought most deeply and long about the subject exhibit very little consensus concerning the subjects that are plainly essential to good citizenship or--in connection with an issue discussed below--most conducive to the development of autonomous human beings.[2] Except for overt violence, it is exceedingly difficult to identify school activities that are manifestly inimical to the general welfare. In the face of this confusion, some citizens and lawmakers, apparently wanting to take no chances with offbeat schools, would like to see strict state control of all instruction during periods of compulsory school attendance, and even the forced closure of schools operated by groups seemingly hostile to our basic institutions. Other concerned people are more fearful of government tyranny, and thus think the common weal is best protected, not by controlling dissent, but by keeping the marketplace of ideas unfettered; these people argue that the open forum is the setting where truth is most likely to triumph in the long run. Some people view the school as the primary contributor to the minimal commonality of viewpoint without which no nation can hang together. Others be-

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1 Pierce v. Society of Sisters, 268 U. S. 510 (1925).

2 A report of a conference in which leading scholars attempted, unsuccessfully, to reach consensus on this question is found in Wayne C. Booth (ed.), The Knowledge Most Worth Having (Chicago: University of Chicago Press, 1967).

lieve the national communications media are such effective homogenizers that educators should concentrate, instead, on maintaining a modicum of divergent thinking. Perhaps the majority of citizens would agree that in extreme instances countermeasures against schools may be warranted to ensure the survival of the state and nation, but there is typically little assent as to when conditions are sufficiently extreme to warrant state intervention, especially since there is so little evidence to indicate that schools are particularly effective at imparting the most basic understandings and skills, let alone at fomenting revolution.

Since the early Twenties, the courts have condemned regulations so extreme that they obviously threaten the very existence of nonpublic schools as entities different from public schools.[1] Until recently, state legislatures have been permitted regulations that could not be defended under the guidelines suggested in this paper, but the most recent cases seem to reflect a more restrictive judicial view of the extent to which a state may usurp the erstwhile child-rearing prerogatives of parents.[2] Since the constitutional guidelines are not entirely clear in this regard, there is ample room for informed, thoughtful leadership on the part of state lawmakers and administrative officials.

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1 Pierce v. Society of Sisters, 268 U. S. 510 (1925); Meyer v. State of Nebraska, 262 U.S. 290 (1923); Farrington V. Tokushige, 273 U. S. 284 (1927).

2 This point is fully documented in Erickson, "Legal Impediments"; two of the recent key cases are Wisconsin v. Yoder, 406 U.S. 205 (1972), and State v. Whisner, 351 N.E. 2d 750 (Ohio, 1976).

Threats to the Child's Future Autonomy

The ideal of using schools and colleges to help produce autonomous human beings lies at the heart of the concept of a liberal education. This view dictates that the child be permitted to choose freely among available ideologies, vocations, and life styles, and to develop the deliberative capabilities that make choice more than a fiction. If state officials (or their advisors) know how to create a neutral forum in which the autonomy of the individual is truly fostered through the presentation of options and the development of decisional skills, then the state has a rationale for regulations designed to accomplish that objective.

The liberal ideal is utterly at odds with attempts by state agents (including educators) to mold children to some selected vision of the good society. It also conflicts with attempts by parents to implant particular ideologies and life styles into the psyches of their offspring by curtailing the opportunity to decide. If, after considering available alternatives, the individual rejects the national mainstream and becomes a Navaho medicine man, Old Order Amish, hippy, or radical intellectual, the state would have no grounds to complain, for freedom of choice means freedom to dissent. Similarly, if the child of an Old Order Amishman or traditional Navaho decides, after viewing the options in a truly neutral school, to work for Standard Oil and live in a two-car suburban split-level, in an important sense the parents should not accuse the school of alienating their child, for the child's

schooling merely made self-determination possible, rather than disparaging or exalting one way of life or another.

There are two necessary aspects of a liberal, autonomy-producing education. First, the education must provide the understandings and skills that are essential to autonomous decision-making. As was suggested earlier, state officials who act as if they know what areas of knowledge are most beneficial for everyone must possess insights as yet undiscovered by leading scholars, must be unaware of their own ignorance, or must be guilty of collosal pretension, for there is little agreement or certitude among thinkers who have pondered these dilemmas most systematically. There is no firm basis for state dictation of what is to be learned in schools--especially when one moves beyond such widely agreed-upon essentials as reading, writing, ciphering, and understanding the nation's most basic political and economic institutions.

The second aspect of a liberal education concerns the context in which the student learns--the cafeteria, so to speak, in which options are encountered. To have a liberating result, it would seem that the forum must be neutral, if it possibly can be. At least, it must coerce the child as little as possible. If the state knows how to create a neutral forum, it has a logical basis for regulations designed with that end in view.

How can a school be constituted as a neutral forum?

Official school observances seem at first glance to be rather easy to neutralize by force of law. There is nothing hidden or subtle about these observances. But evidence on the ineffectiveness of legal directives in education is sufficient to give anyone

serious pause. Whatever one may think of Supreme Court rulings on prayer and Bible reading in public schools, the record shows that wide flouting has occurred, and that little can be done to prevent it.[1] In many respects, locally powerful groups run the public schools much in keeping with their own viewpoints. Many scholars insist, in fact, that it is unrealistic to expect anything else. Neutrality can hardly be achieved unless school officials disregard demands for privileged treatment from the same constituency that granted them their power and privilege. After examining several societies, especially our own, the late Jules Henry concluded that autonomy-promoting education was not possible in schools maintained by any society or cultural group.[2] Henry argued that no social system could be expected to take deliberate self-destructive steps, and thus it would be certain to reinforce its collective belief systems (which inevitably involve both logical and illogical assumptions) by inculcating "socially necessary ignorance." Though some of Henry's specific charges may be overstated, there seems to be no respected body of opinion in the social sciences which regards the schools of any society (or subsociety) as at all neutral. At least one major historical treatise has as its central theme the remarkable correspondence of schools with the values of the social orders that have sponsered them.[3] Official school observances, then, are not as easy to

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[1] E. G., Kenneth B. Dolbeare and Phillip F. Hammond, The School Prayer Decisions: From Court Policy to Local Practice (Chicago: University of Chicago Press, 1973); and William K. Muir, Jr., Prayer in the Public Schools: Law and Attitude Change (Chicago: University of Chicago Press, 1967).

[2] Jules Henry, "Is Education Possible?" in Erickson, Public Controls, pp. 25-102.

[3] Edwards and Richey, The School in the American Social Order.

neutralize as first glance may suggest. And if the state cannot manage to keep its own schools free of the most overt types of bias and indoctrination, it is in a poor position indeed to impose regulations that purport to prevent the same problems in non-public schools, and it has no basis for policies which place a penalty on nonpublic schooling as a way of forcing more children into "neutral" public schools.

The curriculum (essentially, a road map indicating what territories of knowledge should be "covered", and in what sequence) is even more difficult to neutralize. Part of the problem inheres in the fact that what one person views as neutrality is outright antagonism to another. For instance, some citizens view an education denuded of theism as neutral. Others disagree stridently, insisting that when theism is removed, secular humanism almost inevitably takes its place. Furthermore, the absence of references to theistic premises may convince the child that life can be lived and understood without giving God any central, or even significant, place in the scheme of things.

As for the way in which curricular materials are presented, widespread efforts have been made in recent years to let students reach their own conclusions independently. Teachers have been urged repeatedly, for example, not to present the sciences dogmatically, as bodies of facts to be assimilated, but rather to familiarize students with the modes of investigation scientists use to seek knowledge. The latter approach is liberating--autonomy-producing. But how can the state make certain that every child will be given this type of educational experience, especially since

the number of teachers is so large that there cannot possibly be an outstanding one in every classroom? The evidence suggests that, despite more than a decade of extensive effort, funded by millions of federal and foundation dollars, inquiry-oriented instruction in the physical and biological sciences rarely occurs.[1] Teachers as a whole--including those who have participated extensively in special institutes--do little more than adapt the new materials to the old methods. Furthermore, even if teachers emphasize student inquiry rather than the transfer of information and viewpoint from instructor to student, children are profoundly influenced by the adults with whom they identify strongly. When admiring and identifying with a teacher, a youngster is likely to acquire some of the teacher's overt and covert attitudes and biases, no matter how much the teacher attempts to avoid this tendency.[2] Furthermore, we cannot expect teachers to hide those biases of which they are unaware. (One need not study much anthropology to discover that every culture is shot through with unexamined assumptions that its adherents are bound to communicate one way or another.)

But the aspect of the school that is probably most potent, yet most difficult to neutralize, is the student subculture, particularly during the preadolescent and adolescent

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1 Marshall D. Herron, "The Nature of Scientific Inquiry," School Review 79 (Feb., 1971): 171-212.

2 Urie Bronfenbrenner, "Fredian Theories of Identification and Their Derivatives," Child Development 31 (March, 1960): 15-40.

years.[1] Educators as yet know little about it, to say nothing of learning to control it. It seems patently ridiculous to proclaim educational neutrality when a child from a pacifist home attends a typical public school in wartime; when Jehovah's Witness children rub shoulders with peers who ridicule their views; when American Indian children, typically reared to practice mutual assistance, are placed in a school where most students compete ruthlessly, and in a hundred other settings where merciless social sanctions are imposed upon dissenters.

Whether capitulating to these pressures or maintaining personal integrity, the individual may acquire permanent scars.[2]

As if these impediments to school neutrality and individual autonomy were not enough to cause despair among those who seek to regulate-into-being a liberal education, it now seems clear that the social structure of every school, far from being a mere container into which ideas of many sorts are poured for consideration, is itself a potent instrument (a "hidden curriculum") for socializing children to a particular life style.[3] Some life

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1 One of the best recent reviews of the literature on this topic is found in William G. Spady, "The Impact of School Resources on Students," in Kerlinger, Review of Research, pp. 135-177.

2 E. G., Morris Rosenberg, "The Dissonant Religious Context and Emotional Disturbance," in Louis Schneider (ed.), Religion, Culture, and Society: A Reader in the Sociology of Religion (New York: John Wiley & Sons, 1964), pp. 549-559.

3 Among the best known references on the hidden curriculum are Jackson, Life in Classrooms; and Robert Dreeben, On What Is Learned in School (Reading, Mass.: Addison-Wesley Publishing Company, 1968).

style must be incorporated into the social patterning and formal organizational structure of every school, and students will inevitably be affected by it. Dreeben suggests, for example, that the "hidden curriculum" of public schools in our society may be an essential mechanism for developing the "sentiments and capacities" that people need to participate in an industrialized society. Students learn, not so much from their studies as from the patterns of behavior that the school sets up, to relate to others in a manner quite different from family relationships. In the family, there is a tendency to treat every member as a unique human being. In the bureaucratic spheres of society as a whole, the individual must cope with universalistic norms (which prescribe identical treatments for all people who fall into a given category); must often interact with other people in a limited, specific way (as, for example, when a surgeon deals with a person merely as a patient of a particular type); must differentiate the attributes of a position from the characteristics of the individual occupying the position (as when a worker calmly obeys a superordinate whom he or she dislikes); and must form and tolerate the transient, shallow relationships that are so common in organizational life.[1]

But the same ways of behaving are not taught by the "hidden curriculum" of every school. Many "free schools" were formed with the intent of fostering less competitive, more humane, more loving relationships among people. It is virtually impossible to visit a simple one-room Amish schoolhouse without sensing the emphatic de-emphasis on universalism, segmental relationships,

[1]Dreeben, On What Is Learned.

competition, shallow friendships, and status differences. "Free Schools," Amish schools, and all other schools communicate particular ways of behaving, and they do so on a continuous, hour-by-hour, day-by-day, week-by-week basis. In this sense, particularly, no school, public or nonpublic, is a neutral, unbiased forum.

If state officials attempt to make schools more neutral by applying regulations to them, such efforts may often be counterproductive, for these officials, however well meaning, are influenced by many deeply ingrained cultural influences, and thus are certain to judge "neutrality" through ethnocentric eyes. It is impossible for them to ascertain, more than superfiscially, what attributes of the hidden curriculum will be grossly offensive and even destructive to people whose cultural backgrounds are different.[1] There are many ironies to be confronted in this regard. The evidence is very strong, for example, that supposedly "neutral" public schools are devastatingly destructive to Old Order Amish culture, while the deliberatively indoctrinative Amish schools have not prevented hundreds of their students from moving very successfully into mainstream American life.[2] Despite much conventional wisdom to the contrary, most human beings may end up with more autonomy rather than less if they develop a firm sense of identity rather early in life by acquiring deep roots in some religious or ethnic tradition, however biased and parochial that

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1 The point is made very powerfully in Milton Himmelfarb, "Secular Society" A Jewish Perspective, Daedalus 96 (Winter, 1967): 223.

2 Donald A. Erickson, "The Persecution of LeRoy Garber," School Review 78 (Nov., 1969): 81-90.

tradition may seem.[1]

Threats to Equality of Opportunity and Racial Justice

In the eyes of some observers, nonpublic schools have elitist tendencies that hamper the accomplishment of democratic ideals, such as equality of opportunity and racial justice. In an earlier passage it was pointed out that the exacting affiliations mechanisms of most nonpublic schools in the United States may tend to create clienteles that are homogeneous in educational outlook. At times the homogeneity will coincide with religious, ethnic, socio-economic, and racial cleavages as well. Government-imposed economic handicaps virtually ensure that few impoverished people will have access to nonpublic schools. The aversion of many citizens to racial integration or to unfortunate correlates of racial integration, ensures that many nonpublic schools will be rather homogeneous racially, though the major associations of nonpublic schools all require that students be admitted without regard to race.

Evidence that children from low-SES backgrounds benefit educationally from associating with peers from higher SES strata suggests that tendencies toward client homogeneity along SES lines are a threat to equality of opportunity, since they keep high-SES students from associating with, and thus assisting, many disadvantaged peers.[2] Similarly, evidence that racial integration in

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[1] For a discussion of relevant studies, see Donald A. Erickson, "Contradictory Studies of Parochial Schooling," School Review 75 (Winter, 1967): 425-36.

[2] See relevant studies discussed in Spady, "The Impact of School Resources."

schools promotes inter-racial harmony and understanding suggests that tendencies in many nonpublic schools toward racial segregation are destructive of attempts to obliterate unjust treatment of blacks and other minorities.[1]

These considerations are more complex, however, than they often appear to be. Despite much folklore to the contrary, there are situations in which public schools are more elitist and racially segregated than are nonpublic schools in the same neighborhoods, though no national surveys have been done to indicate the frequency of these situations. American Catholics, once at the lower strata of the nation's socio-economic ladder, found parochial schools to be more effective opportunity-equalizers than public schools, for the latter were biased in favor of the WASPish establishment.[2] In a 1966-67 comparison of public schools and the three largest groups (Catholic, Missouri Synod Lutheran, and Calvinist) of nonpublic schools in Michigan, three surprising findings emerged: (1) The Catholic elementary schools were far more accessible to urban low-income families than the relevant literature had suggested; (2) There was more evidence of equality of opportunity in the church-related schools than in the public schools, in the sense that the former treated their low- and high-status patrons more equally than did the latter. (3) With respect to the bulk of the educational advantages considered in the

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1 E.g., Nancy H. St. John, "Desegregation and Minority Group Performance," Review of Educational Research 40 (Feb., 1970): 111-133.

2 Andrew M. Greeley, William C. McCready, and Kathleen McCourt, Catholic Schools in a Declining Church (Kansas City: Sheed & Ward, 1976).

study, the child in the low-status community was better off in church-related schools than in public schools, whereas the child in a high-status community was better off in public schools than in church-related schools. Within the socio-economic range of the children attending them, the church-related schools demonstrated less of a tendency than public education to discriminate against the poor.[1] In a Chicago study, similarly, when public and Catholic schools were compared neighborhood by neighborhood, it appeared that the latter were more selective academically than the former, for the 50th percentile IQ, city-wide, with neighborhood controlled, was 106.0 for public schools and 104.5 for Catholic Schools. Dollar outlays per pupil for instruction were more evenly distributed across neighborhoods of varying wealth by the Catholic schools than by the public schools. In low- income communities, Catholic school students gained more in reading and mathematics achievement between the third and sixth grades than did public schools students, while in high-income communities, Catholic school students gained less than did public school students. The achievement gap between children from high-status communities and children from low-status community widened, between grades 3 and 6, considerably more in public than in Catholic schools. The Catholic schools were trying in a special way, it seemed, to cater to disadvantaged children. When the amount of achievement attributable to school influences was isolated, it was clear that the public schools were benefiting

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1 Donald A. Erickson, "Nonpublic Schools in Michigan," in J. Alan Thomas, School Finance and Educational Opportunity in Michigan (Lansing, Mich.: Michigan Department of Education, 1968), pp. 209-291.

wealthy and white communities more than poor and black communities, while the Catholic schools were benefiting poor and black communities more than wealthy and white communities. (Furthermore, these compensatory effects in Catholic schools were produced at a per-pupil cost only 59.8 per cent as high as the public school expenditure level.)[1]

As far as issues of racial justice are concerned, it is easy to demonstrate that many nonpublic schools, especially in the South, are attended predominantly by people fleeing racial integration, its anticipated consequences, or the loss of local school autonomy that its advent frequently reflects. On the other hand, nonpublic schools have at times achieved racially integrated student bodies before public schools in the same areas have done so, and it would be most interesting to obtain systematic national data concerning the extent to which the availability of nonpublic schools has at least retarded the flight of middle-class citizens from city to suburb. As an initial, limited probe of this phenomenon, parents in a nonpublic school (identified by the pseudonym, "Butler School") in a deteriorating neighborhood not far from the University of Chicago were interviewed in 1971, in connection with work being done for the President's Commission on School Finance.[2] Of the parents in the randomly selected sample, 75 per cent said they

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1 Greg Hancock' "Public School, Parochial School: A Comparative Input-Output Analysis of Governmental and Catholic Elementary Schools in a Large City" (Ph. D. dissertation, Department of Education, University of Chicago, 1971).

2 Donald A. Erickson and George F. Madaus, Issues of Aid to Nonpublic Schools (Washington, D.C.: President's Commission on School Finance, 1971), Vol. I, pp. V:54-V:78.

thought public schools in the neighborhood had deteriorated, 94 percent thought the Butler School was "much better" academically, 81 per cent considered it safer physically, 92 per cent believed it was safer morally, and 89 per cent stated they would either move away or seek another nonpublic school if Butler were to close. Of those who had said they would seek another nonpublic school if Butler closed, 42 per cent averred that they would leave the neighborhood if they could not get their children into another non-public school, while another 12 per cent would, they declared, send their children away to nonpublic boarding schools. The researchers concluded that nonpublic schools were making a profound contribution to the maintenance of neighborhood integration in this community. At the same time, the Butler School itself was well integrated racially and ethnically; the random sample of parents turned out to be almost exactly 50 per cent black and 50 per cent white.

It would be grossly simplistic, then, to identify nonpublic schools as a whole as inimical to equality of opportunity and racial justice. The absence or scarcity of blacks and other minorities in many nonpublic schools is a function of many factors, such as cost (itself partly a result of the imposition by government of "double taxation"),[1] voluntaristic affiliation and financial support (when a nonpublic school adopts policies repugnant to its patrons, they may quickly put it out of business), and residen-

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[1] By "double taxation" we mean the policy of requiring the patrons of nonpublic schools to pay twice for their children's schooling, once by means of tuition fees at nonpublic schools and once by means of their full share of public school taxes.

tial racial segregation (as in public schools). Even when a nonpublic school deliberately maintains an all-white student body, it is often indefensible to assert that the net consequences for racial justice are negative, since without the school the neighborhood might quickly lose all its white inhabitants. The evidence falls far short, furthermore, of demonstrating that racially integrated schools are always superior to racially segregated schools, for the salutary effects of integration depend upon the character of the social interaction that ensues.[1] There may be times when blacks do better, both cognitively and affectively, in all-black schools, and when the racial prejudice of whites is best ameliorated in all-white schools. And in the final analysis, far-reaching policy decisions should not be based upon an assessment exclusively of the benefits of a strategy like racial integration. The costs must also enter into the calculus. No systematic studies seem to be available in which, for example, the benefits of integration by means of cross-town bussing are weighed against the loss of close contact between school and home and against the costs of convincing many parents that their schools are controlled by distant officials who are unaware of, and unsympathetic toward, their anxieties and point of view.

The relevant issues of equality of educational opportunity are also convoluted. Here again, it is simplistic to base fundamental public policy on a consideration of benefits alone. As has been noted, there appear to be benefits for disadvantaged

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[1] E.g., Nancy H. St. John, "Desegregation and Minority Group Performance," Review of Educational Research 40 (Feb., 1970): 111-133.

children, though the evidence is far from conclusive, of providing them with friends from the higher social strata. These benefits, however, must be weighed against the loss of the possible advantages of client homogeneity discussed earlier. They must also be weighed in the light of the fact that "Mastery Learning" and related techniques are now available for ensuring, quite apart from socioeconomic integration, that a very high proportion of all children acquire the knowledge and skills that are probably essential to responsible adulthood.[1] At some point, the question must be raised whether the equality of opportunity sought in this society is a sweeping equality of educational results that involves not only a "leveling up" of the achievement of the disadvantaged but also a "leveling down" of the exceptional accomplishments of which gifted children are capable. If the nation needs not only to insure that all children master certain exceptionally important understandings and skills, but also to enable the gifted to develop their talents reasonably well, it is difficult to see why all elitist tendencies in schools, public and nonpublic, should be faulted and combatted, for, given the available evidence, an elitism of talent is not at odds with the ideal of equal opportunity, except in its more extreme, doctrinaire definitions.

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[1] Benjamin S. Bloom, Human Characteristics and School Learning (New York: McGraw-Hill Book Co., 1976).

Costs in Terms of Reduced Economies of Scale

It should be noted, finally, that nonpublic schools were once attacked rather widely for "duplicating" the services of public schools and thus allegedly involving society in unnecessarily high educational costs. That line of attack was based upon the assumption that nonpublic schools did not differ in essential respects from public schools--an assumption seriously questioned in an earlier passage of this paper. In recent years, the economies-of-scale argument has also been weakened by the overwhelming urbanization of American society and by recent recognition that earlier evidence on the benefits of large schools and school systems was fatally faulty by virtue of its preoccupation with programs and facilities and its almost total inattention to the reactions of children.[1]

Suggested Policy Guidelines

On the basis of the considerations discussed above, two major imperatives should, it appears, be systematically reflected in a state's regulatory stance toward nonpublic schools:

1. State regulation of nonpublic schools must encourage the pursuit of pluralistic goals. Education, more akin to religion than most people realize, is not a process that leaves life aspirations and moral commitments unaffected. To the extent that schooling is efficacious, the power to choose the goals of learning

[1] One of the most recent studies drawing these old assumptions into question is Jonathan P. Sher and Rachel B. Tompkins, Economy, Efficiency, and Equality: The Myths of Rural School and District Consolidation (Washington, D.C.: National Institute of Education, 1976).

is the power to manipulate society. Radically different educational purposes should be not only tolerable but desirable in a democracy.

2. State regulation of nonpublic schools must encourage diverse approaches to the achievement of given goals. As a field of study, education is in its infancy. Most current strategies of schooling have about as much evidence to support them as the home remedies and patent medicines of a century past. It is a time for exploration and research, not codification. The state should particularly recognize, in this connection, that nonpublic schools are uniquely qualified to make some educational approaches available for client choice, development, and research.

The implications of these guidelines cannot be discussed more than peripherally here, and at any rate they should be worked out in the light of conditions that vary from state-to-state. A few general suggestions may be helpful, however:

1) To the extent that the state has a logical basis for regulating nonpublic schools, far less harm will probably be done by requiring that certain widely agreed-upon outcomes be demonstrated (through standardized testing, for example), than by demanding that standardized procedures be followed.

2) If state legislators and administrative officials cannot bring themselves (even in a nation whose policy is based on democratic theory.) to trust the majority of parents to guide the school careers of their young, they should not assume that the only alternative is typical state regulations for nonpublic schools. The erratic decisions of individual parents tend to be "smoothed

out" in the process of achieving the consensus on which individual schools and associations of schools are built. It is difficult to see why state officials should consider themselves better equipped to vouch for the certifiability of a school than an association of nonpublic schools would be.

3) If state officials are primarily concerned about the possibility that children and parents will be victimized by unscrupulous schools, they should seriously consider regulations that demand, not standardized programs (which obviously can be extremely inferior), but information procedures ensuring that schools provide their clients with accurate reasonably complete data concerning their aims, methods, and accomplishments.